



STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES

LONG TERM CARE OMBUDSMAN PROGRAM

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SELECT COMMITTEE ON AGING

Public Hearing

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Good morning honorable chairpersons and members of the Select Committee on Aging. My name is Nancy Shaffer. I am the State Long Term Care Ombudsman and represent the long term care consumers of Connecticut. I appreciate this opportunity to comment on proposed legislation before you today.

S.B. No. 234 (Raised) AN ACT CONCERNING NOTIFICATION OF FINANCIAL STABILITY OF NURSING HOME FACILITIES AND MANAGED RESIDENTIAL COMMUNITIES TO PATIENTS AND RESIDENTS.

Thank you Senator Prague and members of the Select Committee on Aging for sponsoring this bill on behalf of Connecticut's long term care consumers. Raised Bill No. 234 is especially timely during this period of financial challenges. At a time in all of our lives when making sound financial decisions is so important, this legislation is particularly valuable.

The State of Connecticut currently has seven skilled nursing facilities in bankruptcy reorganization. In each of these homes, I have also accepted appointment as the Patient Care Ombudsman per the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. It is my responsibility as the Patient Care Ombudsman to monitor the quality of patient care during the period of bankruptcy reorganization. I report to the Bankruptcy Court on the quality of care and services received by the residents. Additionally, as the State Ombudsman I receive complaints from residents and their families about the issues they experience in these homes.

The Long Term Care Ombudsman Program has had complaints from consumers who have moved into a nursing home only to learn after getting settled into the home that it was in bankruptcy reorganization. We have even had cases of individuals moving from one home which closed due to bankruptcy to another home which then also closed a short time later, again due to bankruptcy. Not every home that files for bankruptcy reorganization closes and every home that is in bankruptcy does not provide significantly deficient care. But the resident and family have the right to make an informed choice. This is only fair.

This bill is about providing consumers with all of the facility information in order for them to make an educated decision. This is what we want for ourselves when we make decisions, even when purchasing a product such as an air conditioner. This is what we

should provide long term care consumers when making this difficult life decision. This could be a simple notice stating the current financial situation and contact information for individuals and organizations who can provide further assistance and answer questions.

Again, I thank you for raising this important piece of legislation that empowers consumers to make informed choices about their long term care. I look forward to working with you to see it to passage.

S.B. No. 233 (Raised) AN ACT CONCERNING THE DISCHARGE OF PATIENTS FOR NONPAYMENT OF APPLIED INCOME.

The Long Term Care Ombudsman Program does not endorse this bill. The Program is not privy to the extent or scope of the issue of lost revenue related to a residents' applied income being withheld from the nursing home. Is the issue specific to a certain subgroup of residents? Is this a rampant problem statewide? Or, is it a trend experienced by some facilities versus others? We don't know. And we also don't know the ramifications of involuntarily discharging individuals from facilities for this reason. The resident may not even be aware that the applied income is being withheld. In the experience of the Ombudsman Program residents frequently delegate their financial bookkeeping to a trusted family member or friend. As time goes by their physical and mental capabilities may decline and they can become less involved in managing their finances and may even be unaware of how the finances are being handled.

On the face of it, this bill does make sense: a business has the right and the need to be paid for its services. However, nursing home residents are a predominantly vulnerable group of individuals. They are susceptible to exploitation from all aspects of society including, sadly, even their own families at times. They also require the care and services of a skilled nursing facility precisely because they can no longer receive that care in their home.

The Ombudsman Program has had a number of cases in the past year which involved residents who were determined to be ineligible for Medicaid due to family or other responsible party's misuse of their property and/or finances. How do we hold that resident responsible for those misdeeds and summarily discharge the resident from his or her home? Are there other remedies besides discharge to collect applied income? If the facility has not received applied income for a period of sixty days could other actions be initiated to recover future applied income from the resident rather than discharging the resident? It might also be in the financial best interest of the facility to retain the resident in the facility and problem-solve the applied income issue. This all needs to be explored.

I respectfully ask that more research be undertaken before this bill proceeds further.